

~~SEALED~~

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2010-02
JUNE 28, 2011 SESSION

~~FILED~~

JUN 28 2011

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:11-cr-00158

21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

TIMOTHY AARON BUCKHANNON
CARY WHITE

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

From in or about October 2009, to on or about January 27, 2010, at or near Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendants TIMOTHY AARON BUCKHANNON and CARY WHITE, and other persons whose identities are both known and unknown to the Grand Jury, knowingly conspired to commit offenses in violation of 21 U.S.C. § 841(a)(1), that is, knowingly and intentionally to distribute quantities of cocaine, also known as "coke," and cocaine base, also known as "crack," Schedule II controlled substances.

In violation of Title 21, United States Code, Section 846.

COUNT TWO

On or about September 29, 2009, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

On or about October 15, 2009, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about October 23, 2009, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant CARY WHITE knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

On or about November 20, 2009, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

On or about December 31, 2009, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant CARY WHITE knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

On or about January 7, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

On or about January 15, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendants TIMOTHY AARON BUCKHANNON and CARY WHITE, aided and abetted by each other, did knowingly and intentionally distribute a quantity of cocaine, also known as "coke," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT NINE

On or about January 15, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TEN

On or about January 25, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendants TIMOTHY AARON BUCKHANNON and CARY WHITE, aided and abetted by each other, did knowingly and intentionally distribute a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT ELEVEN

On or about January 26, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendants TIMOTHY AARON BUCKHANNON and CARY WHITE, aided and abetted by each other, did knowingly and intentionally distribute a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TWELVE

On or about January 27, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally possessed with intent to distribute a quantity of cocaine, also known as "coke," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTEEN

On or about March 30, 2010, at approximately 6:15 p.m., at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOURTEEN

On or about March 30, 2010, at approximately 9:44 p.m., at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIFTEEN

On or about April 27, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIXTEEN

On or about May 14, 2010, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant TIMOTHY AARON BUCKHANNON knowingly and intentionally distributed a quantity of cocaine base, also known as "crack," a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE

In accordance with 21 U.S.C. § 853(a) and Rule 32.2(a) of the Federal Rules of Criminal Procedure, and premised upon the conviction of the defendants TIMOTHY AARON BUCKHANNON and CARY WHITE of a violation of Subchapter I of Title 21, United States Code, as set forth in this Indictment, the defendants shall forfeit to the United States any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of such violation, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense including, but not limited to, the following:

1. Real property having a street address of 1523 Sixth Avenue, Charleston, Kanawha County, West Virginia, together with all improvements thereon and appurtenances thereto, and being more particularly described in that certain deed dated March 31, 2004, and recorded in the Office of the Clerk of the County Commission for Kanawha County, West Virginia, in Deed Book 2614 at page 02. Said property is titled in the names of the defendant TIMOTHY AARON BUCKHANNON and an unindicted person.

2. One 2005 Chevrolet K1500 Silverado Extended Cab truck, Vehicle Identification No. 2GCEK13T951291198, registered with the West Virginia Division of Motor Vehicles in the name of an unindicted person but believed to be owned by TIMOTHY AARON BUCKHANNON.

NOTICE OF INTENT TO FORFEIT SUBSTITUTE ASSETS

If any of the property described above as being subject to forfeiture pursuant to 21 U.S.C. § 853(a), as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of said property listed above as being subject to forfeiture including, but not limited to, the following:

1. Real property having a street address of 1640-42 West Washington Street, Charleston, Kanawha County, West Virginia, together with all improvements thereon and appurtenances thereto, and being more particularly described in that certain deed dated January 28, 2009, and recorded in the Office of the Clerk of the County Commission for Kanawha County, West Virginia, in Deed Book

2737 at page 831. Said real property is titled solely in the name of the defendant TIMOTHY AARON BUCKHANNON.

R. BOOTH GOODWIN II
United States Attorney

By:


MONICA L. DILLON
Assistant United States Attorney